

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CAROLYN COULTAS,)	Case No.: 1:16 CV 2598
)	
Plaintiff)	
)	
v.)	JUDGE SOLOMON OLIVER, JR.
)	
CARLISLE BRAKE & FRICTION, INC.,)	
)	
Defendant)	<u>ORDER</u>

After a two-day bench trial in the above-captioned case, the court ruled in favor of Plaintiff Carolyn Coultas. The court also set a trial schedule to resolve the remaining issue of attorneys' fees. This Order reflects the rulings made and the trial schedule set forth on the record at trial on November 27, 2018.

The court found Defendant Carlisle Brake & Friction, Inc. failed to timely notify Plaintiff of her right to elect continued health insurance coverage, in violation of 29 U.S.C. §§ 1166(a)(1)–(2), 1166(c). The court determined Plaintiff's damages were limited to the statutory remedy under 29 U.S.C. § 1132(c)(1) and 29 C.F.R. § 2575.506c-1. Accordingly, the court found that Defendant failed to provide notice to Plaintiff for 172 days, and that a penalty of \$85.00 per day for this period was appropriate. Thus, the court awarded Plaintiff a total of \$14,620.00.

The court also set forth the following trial schedule to resolve the remaining issue of attorneys' fees:

Plaintiff's counsel will have until Thursday, November 29, 2018, to transmit to Defendant's counsel all relevant billing invoices, redacted as appropriate. Defendant's counsel will review the billing invoices, and counsel for the parties will confer to see if they can agree on

the amount of fees to be awarded. If the parties cannot agree on an amount for attorneys' fees, the parties will notify the court by December 6, 2018. Thereafter, Plaintiff will submit her expert report to the court by December 21, 2018. Defendant will advise the court by January 14, 2019, whether they intend to use an expert. If applicable, Defendant will submit their expert report by January 28, 2019. The parties will conduct depositions, if necessary, by February 15, 2019, and trial briefs will be due February 28, 2019. A trial date, if needed, is set for March 4, 2019, at 9:00 a.m..

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

November 28, 2018